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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 ANTONIO F. SILVEYRA,

12 Petitioner,

13 vs.

14 PEOPLE OF THE STATE OF
15 CALIFORNIA,

Respondent.

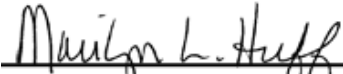
CASE NO. 08-CV-0018 H (NLS)

**ORDER DISMISSING CASE
WITHOUT PREJUDICE**

16 Petitioner Antonio F. Silveyra, a detainee in the custody of the Department of Homeland
17 Security, Bureau of Immigration and Customs Enforcement, proceeding pro se, filed a petition for
18 writ of habeas corpus pursuant to 28 U.S.C. § 2241, but has not paid the \$5.00 filing fee and has
19 not moved to proceed in forma pauperis. (Doc. No. 1.) A petition for writ of habeas corpus must
20 be accompanied by either a \$5.00 filing fee or an application to proceed in forma pauperis. See
21 Local Rule 3(a), 28 U.S.C. § 2254. The case is therefore dismissed without prejudice. If
22 Petitioner wishes to proceed he must submit a copy of this Order with the \$5.00 fee or adequate
23 proof he cannot pay the fee **no later than March 11, 2008**. For Petitioner's convenience a blank
24 request to proceed in forma pauperis form is included with this Order.

25 IT IS SO ORDERED.

26 DATED: January 9, 2008

27 
28 MARILYN L. HUFF, District Judge
UNITED STATES DISTRICT COURT